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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-11-00138 SBA
	)	
Plaintiff,	)	<b>STIPULATION AND ORDER</b>
	)	<b>REFERRING MATTER TO DOCTOR</b>
vs.	)	<b>FOR PSYCHOLOGICAL</b>
	)	<b>EXAMINATION</b>
LUIS CARDENAS MORFIN,	)	
	)	
Defendant.	)	
_____	)	

IT IS HEREBY STIPULATED, by and between the parties to this action, and based upon the record set forth at the last calling of the matter on June 14, 2011, that the defendant be referred to Dr. John Chamberlain for psychological examination to evaluate whether the defendant is competent to stand trial in the above-captioned matter – that is, whether the defendant is currently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature of the proceedings against him or to assist properly in his own defense. IT IS FURTHER STIPULATED that Dr. Chamberlain shall have access to the defendant at his current place of pre-trial detention in

1 order to conduct whatever testing Dr. Chamberlain deems necessary to evaluate the defendant's  
2 competency. Upon completion of his examination Dr. Chamberlain shall prepare a report of  
3 his findings and conclusions, which shall be filed with the Court pursuant to 18 U.S.C. §§  
4 4247(b) and (c).

5 IT IS FURTHER STIPULATED that a hearing to determine the defendant's  
6 competency shall be held on September 6, 2011 at 10:00 a.m.

7 IT IS FURTHER STIPULATED that the time between June 14, 2011 and September 6,  
8 2011 should be excluded under 18 U.S.C. §3161(H)(1)(A) as delay resulting from the need to  
9 conduct an examination and the appropriate proceedings to determine the mental competency  
10 of the defendant.

11  
12 Date 07/12/11

\_\_\_\_\_  
/s/  
David Kelvin  
Attorney at Law  
Counsel for defendant CARDENAS-MORFIN

13  
14  
15  
16 Date 07/12/11

\_\_\_\_\_  
/s/  
Karen Beausey  
Assistant United States Attorney

17  
18  
19 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)  
20 within this efiled document.

\_\_\_\_\_  
/S/ Karen Beausey  
Counsel for the United States

## ORDER


The Court finds that based upon the stipulation of the parties to this action and the record set forth at the last calling of the matter on June 14, 2011, there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist in his defense. Accordingly, IT IS HEREBY ORDERED that the defendant be referred to Dr. John Chamberlain for psychological examination to evaluate whether the defendant is competent to stand trial in the above-captioned matter. IT IS FURTHER ORDERED that Dr. Chamberlain shall have access to the defendant at his current place of pre-trial detention in order to conduct whatever testing Dr. Chamberlain deems necessary to evaluate the defendant's competency. IT IS FURTHER ORDERED that upon completion of his examination Dr. Chamberlain shall prepare a report of his findings and conclusions, which shall be filed with the Court pursuant to 18 U.S.C. §§ 4247(b) and (c).

IT IS FURTHER ORDERED that a hearing to determine the defendant's competency shall be held on September 6, 2011 at 10:00 a.m.

IT IS FURTHER ORDERED that the time between June 14, 2011 and September 6, 2011 should be excluded under 18 U.S.C. § 3161(h)(1)(A) as delay resulting from the need to conduct an examination and the appropriate proceedings to determine the mental competency of the defendant.

IT IS SO ORDERED.

7/15/11  
Date

  
HON. SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT JUDGE